



Edward N. Yost
Associate
215-988-1122 Direct
215-988-2757 Fax
edward.yost@dbr.com

Law Offices

One Logan Square
18TH and Cherry Streets
Philadelphia, PA
19103-6996

215-988-2700 phone
215-988-2757 fax
www.drinkerbiddle.com

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June 3, 2008

Via Federal Express

Honorable Joseph J. Farnan, Jr.
United States District Court
for the District of Delaware
844 N. King Street
Room 4124
Lockbox 27
Wilmington, DE 19801

**Re: Zhang v. ING Direct
Civil Action No. 07-0555**

Dear Judge Farnan:

My firm represents ING Bank, fsb ("ING"), the Defendant in the above-referenced matter, a case involving claims of age, national origin and disability discrimination with respect to Plaintiff's termination of employment from ING. I write concerning the proposed June 16, 2008 discovery deadline in this case and to request finalization of an extended date.

This case was originally assigned to Magistrate Judge Leonard P. Stark in November 2007. Judge Stark provided for the parties' consideration a proposed Scheduling Order on January 16, 2008, which proposed that all discovery be completed on or before June 16, 2008. See Docket at 10. Before Judge Stark could finalize and issue the Order, however, this matter was transferred to Your Honor on February 1, 2008. There is currently no issued Order setting a discovery deadline.

On March 10, 2008, we served our written discovery on Plaintiff and, at or around the same time, began attempting to schedule Plaintiff's deposition. Since then, we have encountered several delays that have impaired our ability to complete discovery in this matter prior to the proposed discovery end date. Specifically, Plaintiff continues to refuse to provide a significant amount of requested discovery. Additionally, for various reasons – including delays associated with Plaintiff's execution of necessary medical record release authorization forms and the physicians' responses to our medial record subpoenas, as well as Plaintiff's initial insistence that any deposition be conducted at his house – we have only recently been able to schedule Plaintiff's deposition.¹ Plaintiff's

¹ The medical records are critical for the deposition in light of Plaintiff's disability discrimination claim.

~~DrinkerBiddle&Reath~~

Honorable Joseph J. Parnan, Jr.

June 3, 2008

Page 2

discovery deficiencies are the subject of a motion to compel that we have filed with the Court, a chambers copy of which we enclose.

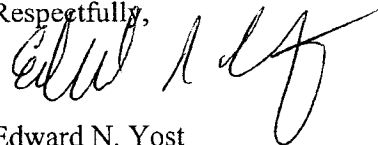
Given these delays, we respectfully request that the Court enter an Order that extends Judge Stark's proposed discovery deadline to July 16, 2008 and the deadline for filing summary judgment motions to August 18, 2008. We asked Plaintiff, who is proceeding *pro se*, for his consent to this extension, but he has refused it, albeit on the mistaken belief that the parties can continue to engage in third party and other discovery after the conclusion of the discovery period. *See* Tab A.

Plaintiff's deposition is scheduled for June 12, 2008, although Plaintiff indicated that he would only "basically agree" to appear on that date and that he may cancel prior to the 12th. *See* Tab B. After Plaintiff's deposition, we anticipate the need to take the deposition(s) of one or more of his medical providers, who within the past week have begun forwarding Plaintiff's medical records. We believe that we will be able to accomplish this and other remaining follow-up discovery within the 30-day proposed extension.

If Your Honor would prefer that we submit a formal motion, please so advise us, and we will submit one. We are available for a conference, in person or telephone, if desired by Your Honor.

Thank you for Your Honor's consideration.

Respectfully,



Edward N. Yost

ENY

cc: Mr. Xianhua Zhang (Plaintiff *pro se*, via electronic and first class mail)
David J. Woolf, Esquire
David P. Primack, Esquire

EXHIBIT A

Yost, Edward N.

From: Peter Zhang [peterzhang9999@yahoo.com]
Sent: Tuesday, June 03, 2008 1:03 AM
To: Yost, Edward N.
Cc: peter
Subject: Re: Zhang v. ING Bank

Mr. Yost,

I object to postpone the deadline of discovery. I think both parties have enough time to file new discovery requests before 6/16/2008. Replies to discovery requests and discovery requests toward third parties are not confined by this deadline as I understand.

Thanks,

Peter Zhang

----- Original Message -----

From: "Yost, Edward N." <Edward.Yost@dbr.com>
To: Peter Zhang <peterzhang9999@yahoo.com>
Cc: "Woolf, David J. (Philadelphia Partner)" <David.Woolf@dbr.com>
Sent: Thursday, May 29, 2008 1:47:52 PM
Subject: Zhang v. ING Bank

Mr. Zhang,

Please find attached a letter which addresses the discovery deadline in the above-referenced matter. If you have any questions, or would like to discuss the contents of the letter, please do not hesitate to contact me.

<<PDF - Letter to Mr. Zhang re discovery deadline_v2.PDF>>

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6/3/2008

addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender at Drinker Biddle & Reath LLP by reply e-mail@dbr.com and delete the message.
Thank you very much.

6/3/2008

EXHIBIT B

Yost, Edward N.

From: Peter Zhang [peterzhang9999@yahoo.com]
Sent: Monday, May 12, 2008 11:55 PM
To: Yost, Edward N.
Cc: Woolf, David J. (Philadelphia Partner)
Subject: Re: Zhang v. ING Bank - Deposition

Mr. Yost,

I basically agree to go to your offices in Berwyn at 11 am on June 12, 2008 to take deposition. But you need to provide those missing or readable documents first listed in my previous email. I will do my best to take deposition that date. If I cannot, I will let you know at least couple of days earlier.

Thanks,

Peter Zhang

----- Original Message -----

From: "Yost, Edward N." <Edward.Yost@dbr.com>
To: Peter Zhang <peterzhang9999@yahoo.com>
Cc: "Woolf, David J. (Philadelphia Partner)" <David.Woolf@dbr.com>
Sent: Monday, May 12, 2008 12:22:38 PM
Subject: Zhang v. ING Bank - Deposition

Mr. Zhang,

Repeated attempts to schedule your deposition have failed. On several occasions, we have offered you three different locations to take your deposition - our offices in Berwyn, PA, Philadelphia, PA or Wilmington, DE. On each occasion, you have refused to be deposed in any of our offices and repeatedly demanded that your deposition take place in your home.

We are willing to depose you in any of the three offices listed above on June 12, 2008. Is it still your position that you will not consent to be deposed in one of our offices? Please inform me whether or not you will consent to be deposed in one of our offices and whether you are available to be deposed on June 12, 2008. If I either do not hear from you by then or you continue to refuse to be deposed in our office, we will seek the intervention of the Court on Wednesday.

Edward N. Yost

6/3/2008

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